

Appln No. 09/607,843
Amdt. Dated June 30, 2005
Response to Office Action of June 2, 2005

9

REMARKS/ARGUMENTS

The Office Action has been carefully considered. It is respectfully submitted that the issues raised are traversed, being hereinafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

The Applicant has amended claims. The Applicant respectfully submits that the amendments to the claim set are fully supported by the originally filed specification.

The Examiner has requested in the Office Action that claim 6 be cancelled rather than withdrawn as previously presented. Therefore, the Applicant hereby cancels claim 6. Furthermore, the Examiner has commented that claims 49 and 50 were not received in the Applicant's communication. The Applicant clarifies that claims 49 and 50 were not included in the communication, and any reference to these claims in the previous response should be ignored.

Claim Rejections – 35 USC § 112

At page 2 of the Office Action, the Examiner rejects claims 24, 30 and 31 as being indefinite. Claims 24, 30 and 31 have now been amended such that the respective claims are dependent on currently presented claims. Therefore, we respectfully request that the claim rejection be withdrawn.

Claim Rejections – 35 USC § 103

At page 3 of the Office Action, the Examiner rejects claims 1 to 3, 8 to 20, 24 to 31, 36 to 43 and 47 as being unpatentable over Patterson, Jr et al. (US Patent No. 5,797,002) in view of Richards et al (US Patent No. 6,539,361 B1). In particular, at page 10 of the Office Action, the Examiner states:

"The forms contain data like "DAY", "GTC" etc which are codes for order parameters like "Day Order", "Good till cancelled" etc. There is nothing in the claim that precludes the codes to be in text form."

We respectfully submit that the Examiner has not interpreted the claims in light of the specifications as required under M.P.E.P. Section 2111:

"During the patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification...the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification."

The Examiner has not taken into account examples of the "coded data" as provided in the specification. At lines 7 and 8 of page 13 the specification provides by example that "coded data 3 [is] printed as a collection of tags 4". Integers 3 and 4 are shown by example in Figure 1 as being circular markings on a page. Additionally, lines 14 and 15 of page 17 the

Appln No. 09/607,843
Amdt. Dated June 30, 2005
Response to Office Action of June 2, 2005

10

specification states by example that *"each tag identifies the region in which it appears, and the location of that tag within the region"*. Nowhere in the specification is it suggested that the term "coded data" should be interpreted as an abbreviated textual code. Therefore, we respectfully request that the Examiner interpret the claims, as required under M.P.E.P Section 2111, in light of the specification.

In regard to the Examiner's assertion that text data such as "DAY" and "GTC" are interpreted as "coded data", we respectfully submit the Examiner has not interpreted the claims consistently with the specification. Although the Examiner may interpret the claims broadly, the interpretation must be consistent with the specification. Clearly, in light of the highlighted examples of the specification, the phrase "coded data" refers to a collection of tags printed on a page, and not an abbreviated code.

Furthermore, a skilled person in the art would not interpret the phrase "coded data" as an abbreviated code for text printed on a page in light of the examples in the specification as implied by the Examiner.

In light of the above arguments, we respectfully submit that the Examiner should interpret the claims in light of the specification as required by M.P.E.P Section 2111, and not apply a misconstrued interpretation of the phrase "coded data".

In light of the correct interpretation for "coded data" we maintain our previously presented arguments regarding Patterson, Jr et al. failing to show coded data. Once the correct interpretation of the phrase "coded data" is applied, Patterson, Jr et al. fails to show coded data, as required by claim 1. Furthermore, Patterson, Jr et al. fails to teach or suggest coded data which is indicative of an identity of the form and of at least one reference point of the form.

In view of this, all claims are submitted to be patentable over Patterson, Jr et al in view of Richards et al, as the combined teachings fail to teach or suggest a form including coded data. Therefore, we believe that the claims of the current application are in order for allowance.

Reconsideration and withdrawal of the rejection is respectfully requested.

Appln No. 09/607,843
Amdt. Dated June 30, 2005
Response to Office Action of June 2, 2005

11

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §112 and 35 U.S.C. §103(a). The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,

Applicants:



KIA SILVERBROOK



PAUL LAPSTUN



JACQUELINE ANNE LAPSTUN

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762